

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

NATHAN ALAN VIETH,

Plaintiff,

Case No. 20-cv-70-pp

v.

SHEBOYGAN COUNTY SHERIFF'S DEPT., *et al.*,

Defendant.

**ORDER EXTENDING DEADLINE FOR PLAINTIFF TO PAY INITIAL PARTIAL
FILING FEE AND ADVISING PLAINTIFF THAT IF HE HAS A LAWYER, THAT
LAWYER MUST MAKE AN APPEARANCE ON THE PLAINTIFF'S BEHALF**

Plaintiff Nathan Alan Vieth, who was representing himself at the time, filed a civil rights lawsuit, dkt. no. 1, along with a motion for leave to proceed without prepaying the filing fee, dkt. no. 2. At the time he filed the case, the plaintiff was in custody at the Milwaukee County Jail. Dkt. No. 1 at 9.

The plaintiff also filed a motion asking the court to waive the initial partial filing fee, dkt. no. 9, which the court denied on June 1, 2020, dkt. no. 10. In its order denying the plaintiff's motion to waive the initial partial filing fee, the court ordered the plaintiff to pay the initial partial filing fee of \$7.90 on or before June 22, 2020. Dkt. No. 10 at 3. The court also warned the plaintiff that if he did not either pay the fee or explain why he could not pay it by the stated deadline, the court would dismiss the case without prejudice. *Id.* at 4. The court mailed this order to the plaintiff at the Milwaukee County Jail.

On June 9, 2020, the court received from the plaintiff a notice of change of address. Dkt. No. 11. The plaintiff had dated the notice June 3, 2020—only two days after the court had issued its order. The plaintiff reported that he had been transferred to the Milwaukee County House of Corrections. Id. He also informed the court that he had an attorney—Thomas J. McClure. Id.

On July 14, 2020, the court received a letter from the plaintiff. Dkt. No. 12. The plaintiff had dated the letter *June 8, 2020*—over a month earlier and several weeks before the partial filing fee was due. Id. at 1. This letter informed the court that the plaintiff had been transferred from the House of Corrections back to the Milwaukee County Jail, and said that he was awaiting transfer to the Mendota Mental Health Institute in Madison. Id. The plaintiff also asked the court to send copies of any court orders to his attorney, Thomas J. McClure. Id. The plaintiff said that once he was transferred to Mendota, he would call the court to let it know of his new address. Id. at 2. The plaintiff should be aware that when he transfers to Mendota, he must inform the court *in writing* of his new address—a phone call will not suffice. The Milwaukee County Inmate Search web site shows that as of July 23, 2020, the plaintiff still was in the Milwaukee County Jail.

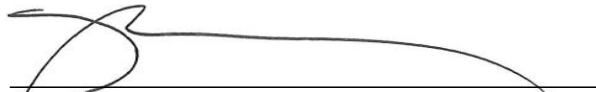
The court concludes that because he has transferred a couple of times lately, the plaintiff might not be aware that he has missed the deadline for paying the initial partial filing fee. The court will extend that deadline to give the plaintiff a chance to pay it.

The court will not send this order to Attorney McClure. The plaintiff says that Attorney McClure is representing him, but Attorney McClure has not filed what is known as a “notice of appearance” with this court. If Attorney McClure is representing the plaintiff, the plaintiff should ask Mr. McClure to file a notice of appearance in all the cases in which he represents the plaintiff. Once Attorney McClure has filed a notice of appearance, Attorney McClure will have access to all the documents filed in the cases, including the court’s orders.

The court **ORDERS** that the deadline for the plaintiff to pay the initial partial filing fee of \$7.90 is **EXTENDED** to the end of the day on **September 11, 2020**. If the court does not receive the initial partial filing fee, or a request to extend the time to pay it, by the end of the day on September 11, 2020, the court will dismiss the plaintiff’s case for failure to pay the fee.

Dated in Milwaukee, Wisconsin this 24th day of July, 2020.

BY THE COURT:

A handwritten signature in black ink, appearing to be 'P. Pepper', written over a horizontal line.

HON. PAMELA PEPPER
Chief United States District Judge